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09/801,195	03/06/2001	Heinz-Gunther Wilhelm	4616 US6	4092

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EXAMINER

DI GRAZIO, JEANNE A

ART UNIT	PAPER NUMBER
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2871

DATE MAILED: 02/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Applicati n No.

09/801,195

Applicant(s)

WILHELM, HEINZ-GUNTHER

Examin r

Jeanne A. Di Grazio

Art Unit

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-- Th MAILING DATE of this communication app ars on th cover she t with the correspond nce addr ss --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-26 and 28-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-26 and 28-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>102203</u> . | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

Priority

Priority to German Patent Application No. 100 10 812 1 (March 8, 2000) is claimed.

Amendment of October 22, 2003

Per Amendment of October 22, 2003, Applicant has cancelled claim 27 and has amended independent claim 20.

Response to Arguments

Applicant's arguments filed October 22, 2003 have been fully considered but they are not persuasive.

In sum, Applicant has argued that the cited prior art of record, United States Patent 4,367,467 (to Emile, Jr.) does not anticipate the presently amended claim 20.

Claim 20 as amended, recites the new limitation and the second hook element forming a single component with the housing.

Emile illustrates in Figure 2, a second hook element (lower 72) which when assembled together with the housing (32 and 38) will form a single component with the housing. The word "single" can and may be interpreted to mean "unitary" or "whole" or "integrated." When the assembly of Emile is all assembled, it forms one unitary, whole, or integrated device. The structure of Emile is therefore one single device upon assembly. The second hook element and housing structures contribute to the single component and thus each contributes to form a single component upon assembly.

Claim 20 as amended, further recites the new limitation of the housing having an external side wall and internal side wall both forming one single component with the housing, the

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external side wall and the internal side wall being approximately parallel to each other and between side walls the contacting element is guided.

Emile illustrates in Figure 2, that the housing (32 and 38) has an external side wall (52a) and internal side wall (52b) that, upon assembly, with the housing form one single, unitary, whole, or integrated component (Figure 1, also shows a single, unitary, whole, or integrated LCD assembly). In Emile, as further shown in Figure 2, the external and internal side walls are parallel to each other. A contacting element (58b) is guided between the internal and external side walls.

When taken together and assembled, the second hook element, housing and the internal and external walls form a single, unitary, whole, or integrated component.

Furthermore, second hook element 72, engages over the LCD as at least illustrated in Figure 11 (corrective lens of LCD).

Therefore, even as currently amended by Applicant, claim 20 is anticipated by United States Patent 4,367,467 (to Emile, Jr.).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 20 rejected under 35 U.S.C. 102(b) as being anticipated by Emile, Jr., US 4,367,467.

Per claim 20 (amended): A display device (Figure 1) having a housing (32 and 38) on a front side of which facing a viewer a liquid crystal cell (30) is mounted, and a printed circuit

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board (PCB 36) which is arranged on a rear of the housing for making electrical contact with the liquid crystal display (30), a contacting element (60) which is clamped against the liquid crystal cell (Figure 6), is approximately plate-shaped and is guided at its larger sides in the housing (in upper slot 58b) for making electrical connection with the printed circuit board (36) and liquid crystal cell being arranged between the printed circuit board and a contacting region (point of contact top between contacting element and LCD top of Figure 6) which is arranged outside a display region thereof, wherein the housing is provided with a first hook element (upper 72) as a mating holding element for the clamped contacting element (60), which engages over the LCD in the contacting region (upper portion of Figure 6) and a second hook element (lower 72) which engages over the LCD in a region which lies opposite the contacting region and is arranged outside the display region of the LCD, and the second hook element forming a single component with the housing (Figures 1 and 2) and the housing (32 and 38) having with an external side wall (52a) and internal side wall (52b) both forming one single component with the housing (Figures 1 and 2), the external side wall and the internal side wall being approximately parallel to each other (Figure 2) and between side walls the contacting element is guided (in space 58b; upper portion of Figure 6).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21-26 and 28-38 rejected under 35 U.S.C. 103(a) as being unpatentable over Emile, Jr., US 4,367,467.

Per claims 21-26 and 28-38: Emile, Jr., discloses the claimed invention except for the molded pieces recited in claims 21-26 and 28-38. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the molded articles in conjunction with the unitary device as claimed, since it has been held that making in one piece an article which has formerly been formed in multiple pieces involves only routine skill in the art (In re Larson, 340 F.2d 965, 968; 144 USPQ 347, 349 (CCPA 1965)). One would have been motivated to take the assembly as recited in Emile, Jr., and from that assembly of pieces to derive an injection molded device therefrom to reduce the number of pieces needed to manufacture a holder for an LCD, to simplify manufacturing, and to thus improve yield.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeanne A. Di Grazio whose telephone number is (571)272-2289.

The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Kim, can be reached on (571)272-2293. The fax phone numbers for the organization where this application or proceeding is assigned are (703)746-8741 for regular communications and (703)746-8741 for After Final communications.


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.

Jeanne Andrea Di Grazio

Robert Kim, SPE

JDG

January 23, 2004


ROBERT H. KIM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800